REMARKS

Claims 2-3, 8-9, 11-12, 16, 20-21, 23-24, 27-30, 32, and 36-37 are canceled without prejudice or disclaimer. Therefore, claims 1, 4-7, 10, 13-15, 17-19, 22, 25-26, 31 and 33-35 are pending. Claims 1, 6, 7, 22 and 25 were amended to insert "angiopoietin-2" before "Ang-2" since Ang-2 is an abbreviation. Claim 15 was amended to incorporate the subject matter of cancelled claim 16; similarly claim 31. Claim 19 was amended to incorporate the subject matter of canceled claim 20; similarly claim 35. No new matter is added by these amendments, and the Examiner is respectfully requested to enter them into the case. The objections and rejections are addressed in the order made.

I. Rejections under 35 USC § 102(e).

Claims 1-9 and 11-34 were rejected as anticipated by Li et al. (U.S. 6,006,620). This rejection is respectfully traversed.

The legal test for anticipation requires in part that each and every element of the claimed invention must be present in a single prior art reference. There is no anticipation under § 102 if a claimed element is excluded from a prior art reference. Atlas Powder Co. v. E.I. duPont de Nemours & Co., 224 UWSPQ2d at 411 (Fed. Cir. 1984).

Moreover, for a limitation to be considered "inherent," the single reference "must describe and enable the invention, including all the claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art, and that its existence was recognized by persons of ordinary skill in the filed of the invention ... *an inherent limiation is one that is necessarily present; invalidation based on inherency is not established by 'probabilities of possibilities.'*" Elan Pharmaceuticals Inc. v Athena Neurosciences, Inc., 304 F.3d 1221, 1228 (Fed. Cir. 2002); emphasis added).

The invention as claimed. The amended claim 1 are drawn to methods for imaging or targeting vasculature with a molecule capable of detecting angiopoietin-2 (Ang-2) nucleic acid or polypeptide. The claims are amended to clarify that the molecule being targeted is angiopoietin-2. Ang-2 is the subject of co-owned U.S. Patent No. 5,650,490 and 5,814,464. Additionally, a patent to antibodies to Ang-2 is the subject of co-owned U.S. Patent No. 6,166,185. Still further, co-owned U.S. Patent No 6,645,484 describe a method of blocking blood vessel growth and U.S. Patent No. 6,825,008 describe a receptorbody capable of binding Ang-2.

The cited prior art patent. Li et al. (U.S. 6,066,123) describe a method for targeting tissue with focused energy to control endothelial permeability and interstitial integrity (Abstract). The method may be used to target in vivo delivery of a compound by applying a focused ultrasound

energy to the blood vessel of a target tissue, followed by introduction of a compound, which passage to the tissue is enhanced by the focused energy treatment. The compound may be a liposome, protein or nucleic acid. The treatment may be used to induce apoptosis or inhibit angiogenesis (col. 6, lines 4-11).

The analysis under § 102(e). Li et al. fails to teach or suggest a method to specifically detect or target Ang-2. The Li et al. methods do not target a specific molecule, but rather generally target a tissue such as a tumor or a blood vessel. Accordingly, under the analysis required under S102, the examiner has failed to establish a *prima facie* case of anticipation, and this rejection should be withdrawn.

II. **Rejections under 35 USC § 103(a).**

Claim 10 was rejected as obvious over Li et al. and further in view of Klaveness et al. (U.S. 6,261,537). This rejection is respectfully traversed on the grounds that claim 10 is dependent on claim 1 which is specifically drawn to a method of imaging tumor vasculature which requires use of a molecule which detects Ang-2 nucleic acid or protein. Accordingly, the above remarks in response to the §102 rejection are fully applicable here and are herein specifically incorporated by reference in response to the §103 rejection. In light of the above remarks, it is believed that this rejection should be withdrawn.

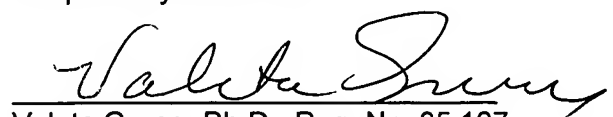
Conclusion

It is believed that this document is fully responsive to the rejections raised in the Office action dated 9 March 2006. In light of the above amendments and remarks, it is believed that the claims are now in condition for allowance, and such action is respectfully urged.

Fees

Although it is believed that no fees are due, in the event the Patent Office determines that fees are due, the Commissioner is hereby authorized to charge Deposit Account Number 18-0650 in the amount of any fees deemed to be due.

Respectfully submitted



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